

## Re: Looking into 2017 Investigation and Initial Assessment Rubric

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Sahana Narayan

Wed, 02 Oct 2019 1:59:20 PM -0700

To "Johnson, Erika" <erjohnson@ucsd.edu>

Cc "managing@triton.news" <managing@triton.news>,  
"Scricca, Cherie" <cscricca@ucsd.edu>, "Clark, Christine E." <ceclark@ucsd.edu>

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Thank you so much for the information. Just wanted to clarify a few things.

I understand that a crucial part of the process is reviewing employee interaction in order to determine whether investigatory leave is necessary. That being said, of the interviews we have conducted regarding our incident of interest, former employees have told us that they complained to bookstore management about how uncomfortable they were with working with the respondent and how the misconduct/behavior outlined in the complaint persisted during the investigation. Despite feeling this and coming forward about it, the respondent was not asked to leave the workplace. Why weren't their complaints and the persistent misconduct of respondent sufficient in making them leave the workplace?

Additionally, is there a protocol put in place for the event that the supervisor and respondent are friends beyond the workplace? Seeing as they play a role in ensuring the investigation can move forward, how does OPHD account for a potential lack of neutrality?

Thank you again,  
Sahana Narayan

On Wed, Oct 2, 2019 at 1:21 PM Johnson, Erika <[erjohnson@ucsd.edu](mailto:erjohnson@ucsd.edu)> wrote:

Hello Ethan and Sahana,

I have information here from Director Scricca that responds to both of your recent requests.

While we cannot share details about specific cases in order to protect the privacy of those involved, we can share an overview of processes. Following is an overview in cases where the respondent is an employee.

At the beginning of an investigation, OPHD sends a notice of investigation to the complainant and respondent. At times, respondent supervisors may receive a copy of the notice or another separate communication so that they are aware that OPHD is conducting an investigation in their area. This is done for two reasons: a) so the supervisor can assist OPHD in preventing potential acts of retaliation against anyone who participates in the investigation process; and, b) to work with the supervisor to balance the need for the investigation against the work of the unit and limit the amount of disruption that OPHD may cause as a result of the investigation (scheduling/shift changes, etc). If interim measures are necessary, such as investigatory leave, OPHD makes the request of the appropriate supervisor and HR personnel to effectuate the interim measure or leave. However, OPHD does not share with such individuals any details of the investigation.

During an investigation process, the only individuals with whom OPHD shares investigation information – other than staff in OPHD – are the complainant, respondent and witnesses. Witnesses only receive information necessary for an interview and to gather evidence. In order to protect the privacy of the other party and the integrity of the investigation process, OPHD requests that complainants and respondents not share what is learned during the investigation process while the investigation is happening with anyone other than the investigator, their advisor or attorney, or the Title IX Officer. OPHD also asks all witnesses not to share

information they learn during the investigation process. However, it is important to recognize that although OPHD makes these requests of participants, OPHD cannot prevent someone from talking to others about their experience or releasing information that was learned through the investigation process.

In order to protect the privacy of the complainant, respondent and witnesses, OPHD releases the outcome of the investigation and a copy of the investigation report only to the complainant and respondent and any supervisors and individuals who have a specific role in the discipline or adjudication process so that they may carry out their responsibilities.

When OPHD conducts an investigation, rarely does it include a recommendation for investigatory leave. Such a recommendation is made only when OPHD concludes that the safety of the parties, or campus, is threatened; to protect both the complainant and respondent from further allegation or retaliation; and at times to protect the integrity of the investigation process.

To determine if someone would be placed on leave, the decision is based on the alleged behavior and the likelihood that the behavior will continue if that person remains in the community while OPHD conducts an investigation and the university determines how to resolve the matter. The main goal is to preserve the safety of the complainant(s) and the broader university community.

To determine if a leave of absence is necessary, OPHD evaluates the following:

- Was a weapon used?
- Was there force used or threat of force?
- Was predation and/or drugging involved?
- Were there multiple complaints of the same or similar behavior by the same person?
- Is there a past history or pattern of the same or similar behavior?
- Does the presence of the accused jeopardize the integrity of the investigation (complainant or witness participation, ability to gather evidence, etc.)

Additionally, when the respondent is an employee we also review that employee's contact/interactions with students that is part of their job or position to determine whether there is any concern with having that person continue their interaction with students during the course of the investigation and resolution process.

Thank you,

**Erika Johnson**

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**UC San Diego**

**From:** Sahana Narayan <[s1naraya@ucsd.edu](mailto:s1naraya@ucsd.edu)>

**Sent:** Wednesday, October 2, 2019 9:22 AM

**To:** Scricca, Cherie <[cscricca@UCSD.EDU](mailto:cscricca@UCSD.EDU)>

Cc: Johnson, Erika <[erjohnson@ucsd.edu](mailto:erjohnson@ucsd.edu)>; News <[news@triton.news](mailto:news@triton.news)>; [managing@triton.news](mailto:managing@triton.news)

Subject: Looking into 2017 Investigation and Initial Assessment Rubric

Hello Director Scricca,

I am a writer for The Triton and I am currently looking into an investigation that concluded in 2017. I am reaching out to you regarding the initial assessment rubric in place to determine whether a respondent ought to be removed from a given workplace. Which version of this rubric was in place in November 2017? I would greatly appreciate a copy of the current rubric and the rubric that was used at this time, should they differ.

**My deadline is next Wednesday, October 9.**

Thank you in advance and please let me know if you have any questions.  
Sahana

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